

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554**

In the Matter of

Inquiry Concerning Deployment of
Advanced Telecommunications
Capability to All Americans in a
Reasonable and Timely Fashion

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GN Docket No. 19-28

COMMENTS OF THE NATIONAL HISPANIC MEDIA COALITION

Today, over 100 Million Americans--nearly a third of the population--lack access to broadband at home. This Digital Divide between Americans who have access to broadband and those who do not is actually an opportunity divide, directly affecting the economic opportunity and mobility of traditionally disadvantaged groups like the Latinx community. When disenfranchised communities of color are systematically denied access to reliable broadband technologies, the outcome is catastrophic: a generational curse of missed educational, civic, health and employment opportunities.

Despite the exponential growth of Latinos in the United States (U.S.),¹ large segments of the population face significant barriers to digital mobility. The Latino community continues to struggle with digital inclusion, with 54 percent of Latinos lacking access to the internet at home. The Divide is even greater for 62 percent of Spanish-dominant Latinos who also lack access to broadband at home.² In 2018, the Latinx population surpassed 59 million, and by 2050 the U.S. Census Bureau estimates there will be more than 130 million Latinos in the U.S.³ For a population projected to account for more than thirty percent of the total U.S. population, digital inclusion is a paramount priority.⁴

Over the last several years the Commission's actions and data reports have diminished the existence of the Latinx Digital Divide and the troubling consequences that accompany that very Divide. With such a large number of Latinos and Americans on the wrong side of the digital divide, NHMC urges the Commission to enact policies and practices that paint an honest and accurate picture of the status of broadband deployment *and* adoption in our country.

¹ Antonio Flores et. al, *U.S. Hispanic Population Reached New High In 2018, but Growth Has Slowed*, Pew Research Center, July 18, 2019, <https://www.pewresearch.org/fact-tank/2019/07/08/u-s-hispanic-population-reached-new-high-in-2018-but-growth-has-slowed/> ("Flores").

² Anna Brown, et. al, *Digital Divide Narrows for Latinos as More Spanish Speakers and Immigrants Go Online*, Pew Research Center, July 20, 2016, <https://www.pewresearch.org/hispanic/2016/07/20/digital-divide-narrows-for-latinos-as-more-spanish-speakers-and-immigrants-go-online/>.

³ See generally Flores.

⁴ *Id.*

I. THE COMMISSION’S PROJECTED BROADBAND DEPLOYMENT REPORT DOES NOT ACCURATELY REFLECT THE REALITY OF DISCONNECTED LATINO AMERICANS.

A. The Commission’s Data Collection Methodologies, Including Form 477 and Its Recently Revised Methods, Remain Problematic.

In order for the Commission to properly address and evaluate the status of broadband deployment in this country, the Commission is expected to first have a complete, accurate depiction of the status of the country’s digital divide. A complete, accurate depiction of the digital divide should include data that reflect the complicated layers of the divide itself; geography, race, socioeconomic status, and ethnicity all are important, indicative data points for internet adoption. The Commission, despite recently updating its data collection methodologies for broadband mapping, has never collected this level of detailed demographic information about the Americans it is obligated to serve.

The Commission’s data collection processes still heavily rely on self-reported data submitted by Internet Service Providers (ISPs). Without any additional checks conducted by the Commission to verify or audit ISP submissions, it is questionable whether the data is reliably accurate and without error, unintentional or otherwise. Current data collection processes still show that if one dwelling in a given census block or hexagon data area is served, then the entire block or area is served.⁵ This is an inaccurate depiction that does not reflect the reality of the Americans who live within these areas. Without more granular geographic data points, the

⁵ *In the Matter of Establishing the Digital Opportunity Data Collection and Modernizing the FCC Form 477 Data Program*, Report and Order and Second Proposed Rulemaking, Federal Communications Commission, WC Docket Nos. 19-195, 11-10 (rel. Aug. 6, 2019), <https://docs.fcc.gov/public/attachments/FCC-19-79A1.pdf>.

Commission's data collection for census blocks or hexagon data areas will continue to overstate actual broadband service availability.

Additionally, the Commission would be remiss if it only collected data about where broadband is *available* and not where broadband is *actually adopted* or where broadband speed is *robust and reliable*. Affordability still remains a top barrier to internet adoption for Americans, including Latinos.⁶ Can the Commission, in good faith, mark a neighborhood as “served” if the cost of broadband service offered in that neighborhood is too expensive for the people who live there to afford? Similarly, can the Commission, in good faith, mark a neighborhood as “served” if the only broadband service offered is so slow and unreliable that the community sees no value in it?

Unfortunately the undermining⁷ and invisibility of the Latinx Digital Divide is not new to the Latino community. Throughout history and particularly in recent years, the needs of our community have fallen on deaf ears and have been treated as second tier to the needs of other Americans. The reality of the Latinx Digital Divide is more than just a talking point; the future prosperity of the Latino community quite literally hinges on whether or not young Latinos have access to the internet today to develop the skills necessary to be successful in the future economy

⁶ Colin Rhinesmith, et. al, *The Ability to Pay for Broadband*, Communications Research and Practice 5, no. 2 (June 2019), p.129.

⁷ NTIA recently released a report and blog post claiming the Hispanic Digital Divide is shrinking. Further attention to the data supporting this headline showed that the report's authors have made a false equivalency between internet use on any and all devices and *actual* internet adoption. This undermining of the reality of the Latinx Digital Divide is irresponsible, inaccurate and should serve as a lesson to the Commission. See Rafi Goldberg et. al, *Digital Divide is Shrinking for America's Hispanic Population*, NTIA Data Show, National Telecommunications Information Administration, United States Department of Commerce, Oct. 28, 2019, <https://www.ntia.doc.gov/blog/2019/digital-divide-shrinking-america-s-hispanic-population-ntia-data-show>.

of this country. The Commission's continued indifference to multiple requests for the inclusion of detailed demographic data in the Broadband Deployment Report suggests that the Commission has no interest in defining the accurate extent of the Latinx Digital Divide because it has no *intention* of adopting policies to close the digital divide for marginalized communities.

B. Mobile Broadband Services Are Not an Adequate Substitute For Fixed Broadband Services.

The Commission's Notice of Intent (NOI) seeks comment as to whether mobile and fixed broadband services are substitutes for one another.⁸ This question is of critical importance to the national economy and individual consumer prosperity as the American population depends on *reliable* access to both fixed *and* mobile broadband services. This is particularly true for smartphone-only consumers who disproportionately are low-income Americans.⁹ In the *2019 Broadband Deployment Report*, the Commission indicated that the digital divide narrowed overall. However, this conflicts with recent studies that demonstrate fixed broadband adoption for Latino households has remained stagnant--particularly in comparison to other non-Latino demographics.¹⁰ In the absence of robust broadband deployment data that accounts for the

⁸ *In the matter of Inquiry Concerning Deployment of Advanced Telecommunications Capability to All Americans in a Reasonable and Timely Fashion*, Fifteenth Broadband Deployment Report Notice of Inquiry, GN Docket No. 19-285 (rel. Oct. 23, 2019), at paras. 8-9, <https://docs.fcc.gov/public/attachments/FCC-19-102A1.pdf> ("NOI").

⁹ *Internet/Broadband Fact Sheet*, Pew Research Center, June 12, 2019, <https://www.pewresearch.org/internet/fact-sheet/internet-broadband/>.

¹⁰ Anna Brown, et. al, *Digital Divide Narrows for Latinos as More Spanish Speakers and Immigrants Go Online*, Pew Research Center, July 20, 2016, <https://www.pewresearch.org/hispanic/2016/07/20/digital-divide-narrows-for-latinos-as-more-spanish-speakers-and-immigrants-go-online/>; *Hispanic Broadband Access, Making the Most of the Mobile Connected Future*, The Hispanic Institute & Mobile Future Fund, September 5, 2019, https://www.thehispanicinstitute.net/sites/default/files/2017-08/Hispanics_and_Broadband_Access_0.pdf.

non-substitutable nature of fixed and mobile broadband services--or the economic and civil consequences associated with the differences in types of digital access, Latinos will continue to be disconnected and invisible in the Commission's broadband deployment data.

Generally, internet usage among Latinos has increased, however, internet connectivity in Latino households is achieved primarily through mobile-device internet access.¹¹ Understanding the disparity between technologically advanced and technologically deficient households is vital to the Commission's process and formulation of future broadband access regulations.

In 2018, the Commission previously stated that “fixed and mobile broadband are often used in conjunction with one another, and as such, are not functional substitutes.”¹² NHMC agrees. Fixed and mobile broadband services provide consumers with *different* access to necessary life-enhancing services and should be viewed separately according to each access method's technological capabilities and how consumers typically utilize the internet through each access method.

Data usage limitations, data caps, and ISP throttling practices make it extremely difficult for a mobile phone user to stream videos or download files in the course of regular educational or work-related internet usage.¹³ Individuals without reliable fixed broadband service at home are academically, economically, and professionally disadvantaged. It is much harder to conduct

¹¹ *Id.*

¹² *Inquiry Concerning Deployment of Advanced Telecommunications Capability to All Americans in a Reasonable and Timely Fashion*, GN Docket No. 18-238, Fourteenth Broadband Deployment Report Notice of Inquiry, FCC 18-119 (rel. Aug. 9, 2018) (“NOI”).

¹³ Jordan, Scott. *Evaluating Zero-Rating and Associated Throttling Practices Under the Open Internet Order*, *Journal of Information Policy*, vol. 7, 2017, p. 450–454, www.jstor.org/stable/10.5325/jinfopoli.7.2017.0450; see also Daniel A. Lyons, *The Impact of Data Caps and Other Forms of Usage-Based Pricing for Broadband Access*, October 9, 2012, <http://lawdigitalcommons.bc.edu/cgi/viewcontent.cgi?article=1482&context=lsfp>.

research, author important papers and documents like a college admission essay, submit job applications, access telehealth services, or sufficiently complete homework on solely a smart-phone internet connection. In addition, mobile-only internet users face barriers in accessing innovative tech services, like telehealth and other online healthcare services. Latinos, especially those born outside the U.S., are less likely to access healthcare information online and expressed discomfort in filling out online healthcare forms.¹⁴

II. CONCLUSION

In order for the Commission to make real strides in closing the Latinx Digital Divide, it must first collect the necessary and appropriate data to understand the Divide. NHMC urges the Commission to adopt data practices that tell the honest story of Latinos who lack access to broadband in this country and to treat the Latino community as what they truly are: everyday Americans who look to the Commission to fulfill its statutory duty of universal service.

Respectfully submitted,

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¹⁴ “Latinos, particularly foreign-born individuals, are at an increased risk of being left behind as the move to increase online content delivery and care expands. As online health information dissemination and online health portals become more popular, the impact of these sites on Latino gaps in coverage and care should be considered.” Gonzalez, Mariaelena et al., *Online Health Information-Seeking Behavior and Confidence in Filling Out Online Forms Among Latinos: A Cross-Sectional Analysis of the California Health Interview Survey, 2011-2012*, Journal of medical Internet research vol. 18,7 e184, July 4, 2016, <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4949384/>.